

**EXHIBIT B**

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1 IN THE UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4 HERMAN WILLIAMS, ) Case No. 23 C 5945  
5 )  
6 Plaintiff, )  
7 )  
8 v. )  
9 )  
10 LUCIAN TESSMANN, et al., ) Chicago, Illinois  
11 ) September 5, 2024  
12 Defendants. ) 9:15 a.m.

13 TRANSCRIPT OF TELEPHONIC PROCEEDINGS - MOTION  
14 BEFORE THE HONORABLE SUNIL R. HARJANI

15 APPEARANCES:  
16 For the Plaintiff: HART McLAUGHLIN & ELDRIDGE LLC  
17 BY: MR. JOHN S. MARRESE  
18 MS. PAIGE L. SMITH  
19 1 S. Dearborn Street, Suite 1400  
20 Chicago, Illinois 60603  
21 For Defendant  
22 Tessmann: EKL WILLIAMS & PROVENZALE LLC  
23 BY: MS. TRACY L. STANKER  
24 901 Warrenville Road, Suite 175  
25 Lisle, Illinois 60532

26 For the Lake County  
27 and Vernon Hills  
28 Defendants, THE SOTOS LAW FIRM PC  
29 BY: MS. LAURA M. RANUM  
30 141 W. Jackson Boulevard, Suite 1240A  
31 Chicago, Illinois 60604

32 Court Reporter: Laura LaCien, CSR, RMR, CRR  
33 Official Court Reporter  
34 219 S. Dearborn Street, Room 1928  
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38 \* \* \* \* \*

39 PROCEEDINGS REPORTED BY STENOTYPE  
40 TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION

1 (Proceedings heard in open court:)  
2 COURTROOM DEPUTY: 23 CV 5945, Williams v. Tessmann.  
3 Would the parties please state your name for the record  
4 starting with plaintiff's counsel?  
5 Mr. Marrese, you may have to unmute yourself. I'm  
6 going to go ahead and send you the request now.  
7 (Pause.)  
8 MR. MARRESE: This is John Marrese for plaintiff  
9 Herman Williams. Paige Smith is also on the line for Herman  
10 Williams.  
11 COURTROOM DEPUTY: Counsel for Tessmann?  
12 MS. STANKER: Good morning, your Honor. This is Tracy  
13 Stanker on behalf of defendant Tessmann.  
14 COURTROOM DEPUTY: Do we have counsel for Charles  
15 Fagan?  
16 (Pause.)  
17 COURTROOM DEPUTY: Ms. Ranum, I'm sending you the  
18 request to unmute.  
19 (Brief pause.)  
20 COURTROOM DEPUTY: Laura Ranum.  
21 MS. RANUM: My apologies, your Honor. This is Laura  
22 Ranum on behalf of defendant Fagan as well as the other Lake  
23 County and Vernon Hill defendants.  
24 COURTROOM DEPUTY: Defendant Garofalo?  
25 MR. KUJAWA: Good morning, your Honor. Michael

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1 APPEARANCES:  
2 For Defendants Estate SCHAIN BANKS KENNY & SCHWARTZ LTD  
3 of Garofalo and BY: MR. MICHAEL E. KUJAWA  
4 Village of Gurnee: MS. DEBORAH A. OSTVIG  
5 70 W. Madison Street, Suite 5400  
6 Chicago, Illinois 60602  
7 For Defendants ROCK FUSCO & CONNELLY LLC  
8 Libertyville and BY: MR. ANDREW J. GRILL  
9 Charles Bell: 333 W. Wacker Drive, 19th Floor  
10 Chicago, Illinois 60606  
11 For Defendant HEPLERBROOM LLC  
12 City of Waukegan: BY: MS. STEPHANIE W. WEINER  
13 70 W. Madison Street, Suite 2600  
14 Chicago, Illinois 60602

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1 Kujawa, K-u-j-a-w-a, on behalf of defendant Garofalo and  
2 defendant Village of Gurnee.  
3 COURTROOM DEPUTY: Defendant Bell?  
4 MR. GRILL: Andrew Grill, G-r-i-l-l, on behalf of  
5 Libertyville and Detective Charles Bell.  
6 COURTROOM DEPUTY: Do we have counsel for defendant  
7 Randall?  
8 MS. RANUM: And that -- your Honor, that would be  
9 another Lake County defendant. Laura Ranum on behalf of those  
10 defendants.  
11 COURTROOM DEPUTY: I think that's everyone, Judge.  
12 THE COURT: Okay. Is there anybody on the Williams  
13 case that has not put their appearance on file, please do so  
14 now.  
15 MS. WEINER: This is Stephanie Weiner, W-e-i-n-e-r, on  
16 behalf of the City of Waukegan.  
17 THE COURT: Good morning. All right. We're here on  
18 this motion to amend the complaint. It's not technically an  
19 emergency because of course if I heard it next week, I could  
20 nunc pro tunc this back to prior to September 6th. But  
21 nevertheless, I thought I'd get everyone on the phone and just  
22 take care of it now.  
23 It's my understanding that at least from the motion,  
24 there were just two parties that were not yet contacted. I  
25 think the Lake County defendants and the Garofalo estate. But,

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1 plaintiff, why don't you give me an update as to where these  
2 things stand? This doesn't seem to be controversial. As I  
3 understand it, it's just substituting in some different  
4 administrators for the ones you have now but maybe you can  
5 clear this up for me. Plaintiff, go ahead.

6 MR. MARRESE: That's correct, your Honor. There are  
7 two estates at issue, the Nancy Jones estate; she was the  
8 former medical examiner. And the Gregory Garofalo estate; he  
9 was a former police officer. Both estates had been opened and  
10 closed because these individuals had been deceased prior to  
11 Herman Williams' release from prison. Therefore, we had  
12 to -- we sued both estates and have, since the beginning, sued  
13 both of them.

14 The Nancy Jones estate, the former administrator was  
15 her sister Karen Jones. That's who we had sued. No one came  
16 in for her defense. I think there's some dispute as to who  
17 should be responsible for the claims against her, but that's  
18 neither here nor there at the moment.

19 The other estate, Mr. Garofalo's estate, has been  
20 represented by Mr. Kujawa and Ms. Ostvig who also represent the  
21 Village of Gurnee and they have answered the complaint,  
22 responded to discovery, and participated in the case  
23 throughout. We have some ongoing meet and confers ongoing  
24 right now.

25 The plaintiff had to, because these estates were

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1 formally closed, go in and reopen them so I can give you quite  
2 a bit of detail. But the bottom line is, the former  
3 administrators did -- speaking for the Jones estate, the former  
4 administrator did not want to continue to serve in that role.  
5 And so after briefing about why we could reopen the estate,  
6 figuring out whether the Cook County public administrator would  
7 take the administrator role, they declined. We had to nominate  
8 our own administrator. You know, we did that. It took quite  
9 some time. I began this process in November of 2023 and had  
10 been reporting on this in joint status reports to the Court  
11 every six weeks or so. And finally on September 3rd -- so just  
12 a few days ago this week -- the Court appointed our new  
13 administrator. And so, yes, we're just seeking to substitute  
14 that person in as administrator for this estate and continue  
15 the case.

16 The Garofalo estate, we filed a petition to reopen and  
17 reappoint the former administrator August 6th so about a month  
18 ago and that was to reappoint Kimberly Garofalo who is the  
19 relation of Mr. Garofalo and who had served as administrator of  
20 that estate and had been participating in this litigation for  
21 the last year. When I did that through the probate lawyer who  
22 is helping us with that and who handled that, I had been in  
23 communication with Ms. Ostvig who represents the estates in  
24 this case to this point to let her know. It seemed like there  
25 wasn't going to be a problem, although she had not committed to

1 me anything, had to talk to her client about whether she was  
2 willing to serve as the estate administrator. She was not able  
3 to get an answer on that -- Ms. Ostvig wasn't -- and so we had  
4 to file an emergency motion for essentially an interim  
5 appointment for that estate and we got it on August 29, so last  
6 week, and so we're moving to substitute that administrator in  
7 for the Garofalo estate. So your understanding was correct at  
8 the beginning.

9 The thing I will say is in order to reopen these  
10 estates, we had to attest and we are attesting that now -- I've  
11 executed affidavits, Herman Williams has as well -- stating  
12 that we are not seeking any money whatsoever from those  
13 estates. We're not seeking to disturb the status quo in any  
14 respect whatsoever. If we are able to get a judgment in this  
15 case against either estate, payment would only come from an  
16 insurance policy or indemnity agreement to the extent they  
17 exist. And so it is simply to use these orders to substitute  
18 the administrators and get an amended complaint on file without  
19 any statute of limitations issue. I can answer any questions  
20 that your Honor has but that is the bottom line.

21 And in terms of the parties' positions, as to the  
22 Nancy Jones' estate, all parties consented to the amendment  
23 except say for the Lake County defendants, which is a number of  
24 defendants represented by Ms. Ranum who is on the line. They  
25 noted that they'd be objecting so that's the Jones estate. The

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1 Garofalo estate, all defendants consented except for the  
2 lawyers representing the Garofalo estate in the civil case who  
3 informed me that they would be objecting. I don't know that  
4 Lake County defendants have taken a position on that estate and  
5 so I don't want to say they've consented. I don't know what  
6 their position is. That is where things stand right now.

7 THE COURT: Okay. Just a couple questions. So in  
8 terms of this individual Annette Huller or Huller --

9 MR. MARRESE: Yes.

10 THE COURT: -- H-u-l-l-e-r, she has been appointed as  
11 administrator for the estates by a state court; is that  
12 correct?

13 MR. MARRESE: That's correct.

14 THE COURT: Okay. All right. The other thing I'm  
15 deciding is whether or not this case complaint should be  
16 amended to add these two names and substitute for the (audio  
17 interruption).

18 MR. MARRESE: That's correct. And I don't know if  
19 it's necessary to note. I would only note that we would  
20 welcome -- and we have but were unable to get any traction to  
21 this effect, we would welcome -- if the defendants themselves  
22 want to substitute a different administrator in, we'd welcome  
23 that and work with them on that. That's -- it's not really an  
24 issue. It's just to ensure that we have an active viable  
25 defendant and substituting to have these administrators in who

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1 we have orders to serve as an administrator.  
 2 (Pause.)  
 3 COURTROOM DEPUTY: This is Lynette, Judge Harjani's  
 4 Courtroom Deputy. I'm going to double check and see if we're  
 5 experiencing any having technical issues here. I apologize.  
 6 (Pause.)  
 7 COURTROOM DEPUTY: Give us one second, please. We are  
 8 experiencing just some minor tech issues here.  
 9 (Pause.)  
 10 THE COURT: Hi, Lynette. Can you hear me?  
 11 COURTROOM DEPUTY: Coming in clearly. Yes, Judge.  
 12 THE COURT: All right. I just left the room and came  
 13 back so I was trying to solve the issue.  
 14 So I was talking to plaintiff's counsel. Are you  
 15 still on the line?  
 16 MR. MARRESE: Yes. I am, your Honor.  
 17 THE COURT: Okay. So what I was asking you is you  
 18 mentioned some other folks that could serve as administrator.  
 19 That really would happen in the state court, not something that  
 20 would happen before me; is that right?  
 21 MR. MARRESE: That's correct, your Honor.  
 22 THE COURT: Okay. All right. Having heard all of  
 23 that, is there any -- I'll hear about any objection to this  
 24 motion if there are any.  
 25 MS. RANUM: Your Honor, this is Laura Ranum on behalf

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1 of the Lake County and Vernon Hill defendants. We do object  
 2 with regard to both defendant Garofalo and defendant Jones; and  
 3 I know that counsel for Gurnee will have their own position on  
 4 that, so. But I want to just start out by pointing out that  
 5 the deadline to amend pleadings was May 6th, 2024, and so this  
 6 motion comes several months after that without any analysis of  
 7 the Rule 16 good cause requirement. Plaintiff would have  
 8 needed to show good cause to do these amendments in an untimely  
 9 manner which he has not analyzed.  
 10 Going along with that, there's a direct conflict with  
 11 this administrator and the defendants in this case. The  
 12 administrator or at least my understanding is that Ms. Huller  
 13 is the office manager at Mr. Marrese's law firm. Now I found  
 14 that online. I emailed plaintiff's counsel and asked him to  
 15 confirm or clarify. I have received no response to that email  
 16 but it is on their website. And if that is the case, then  
 17 Ms. Huller's personal interests are in direct conflict with the  
 18 defendants in this case. And even though I don't represent  
 19 defendant Jones or defendant Garofalo, my clients are  
 20 co-defendants with them and have been accused of being in a  
 21 conspiracy with them so this is something that will directly  
 22 impact all of the defendants in this case. And it's unclear to  
 23 me who would be representing Ms. Huller, how this case would be  
 24 defended but there's a direct conflict there and Ms. Huller is  
 25 not suitable to serve as a defendant in this case whether she's

1 been appointed as an administrator or not.  
 2 My further understanding -- and I know that Ms. Ostvig  
 3 can speak to that further than I can, at least with regard with  
 4 to Mr. Garofalo, the appointment was limited to certain duties  
 5 that wouldn't include stepping in as a defendant in a lawsuit.  
 6 I don't know if that's true for Ms. Jones. I haven't received  
 7 all those pleadings but we just received notice of this on  
 8 Tuesday. I've done my best to find as many pleadings as I can,  
 9 but it's unclear whether the same limited appointment was made  
 10 with regard to Nancy Jones as was made with Mr. Garofalo. But  
 11 again, this is a serious issue in our opinion that counsel has  
 12 had two years to work through this and at the eleventh hour has  
 13 sought to name his own office manager to defend the case for  
 14 these two defendants.  
 15 And with regard to Ms. Jones, she was never -- she  
 16 never appeared in the case in any respect so I think that the  
 17 May 6th deadline especially with regard to her should stand.  
 18 She was not added as a proper party to this lawsuit within --  
 19 you know, within the time frame set by the Court.  
 20 THE COURT: Okay. Anybody else on the objections?  
 21 MR. KUJAWA: Yes, your Honor. Michael Kujawa on  
 22 behalf of the Garofalo estate and the Village of Gurnee. I  
 23 second everything that counsel for the Lake County defendants  
 24 just said.  
 25 In addition, Kimberly Garofalo on behalf of the

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1 Garofalo estate has retained a probate lawyer who is  
 2 challenging the emergency order that was entered just a few  
 3 days ago reopening this estate. It was done on -- well, it was  
 4 an emergency petition to reopen the estate but there really was  
 5 no emergency. It was done without proper notice to  
 6 Ms. Garofalo and so therefore the order was entered *ex parte*  
 7 because she did not have an opportunity to have representation  
 8 there. And the -- it's our position and Ms. Garofalo's probate  
 9 attorney's position that the order, emergency order appointing  
 10 Ms. Huller as independent administrator to collect of the  
 11 estate of Greg Garofalo is -- it's inappropriate and it was  
 12 improperly entered. So the estate has been improperly reopened  
 13 and therefore Ms. Huller as this independent administrator to  
 14 collect is really not a proper party in this civil lawsuit.  
 15 We could certainly brief this issue and I'd welcome  
 16 the opportunity to do that. I do think that all of this is  
 17 premature because today -- I'm hoping today, tomorrow morning  
 18 at the latest -- the probate attorney will be filing the motion  
 19 to vacate and/or reconsider the emergency order reopening the  
 20 Garofalo estate and that will obviously impact how this -- what  
 21 happens after that in the civil suit here.  
 22 THE COURT: Okay. Okay. I'm going to allow defendant  
 23 objectors to brief this matter.  
 24 So I -- it seems there are other things that you want  
 25 to raise that really should be raised in state court. For

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1 present purposes generally speaking, you know, we look at the  
 2 administrator in federal court as someone that's already been  
 3 appointed by the state court and we often substitute in that  
 4 new person.

5 As far as the rule -- you know, the Rule 16 scheduling  
 6 order issue, as I understand it we're looking at just a name  
 7 change and not any of the allegations of the complaint and a  
 8 change in the administrator as a result of orders entered by a  
 9 state probate court changing the administrator so to me, you  
 10 know, the deadline isn't really much of my issue. The issue  
 11 seems to be whether or not this person should be named as an  
 12 administrator and it also seems to me that you've got some  
 13 things going in state court that I'll give you time to sort out  
 14 and I'll give you time to brief the issue before me.

15 My hope is that you could sort this out amongst  
 16 yourself rather than spending money and fees on this issue  
 17 whether it's by agreement on who the administrator is going to  
 18 be or some way you resolve it in state court. This seems to me  
 19 not something that should be in my ballpark. It should be in  
 20 your ballpark or the state court's ballpark. So given that it  
 21 was an emergency motion and all of this sort of happened this  
 22 week, I'll just give you some time to let the dust settle and  
 23 for all of you to figure this out so I'll ask for any objection  
 24 to the motion will be due by September 20th. And if for some  
 25 reason things have not resolved by then and you want the dust

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1 to settle a little bit more, just file a motion for extension  
 2 of time. But for now, I'll look at response briefs by  
 3 September 20th.

4 And just to make sure I keep track of this matter,  
 09:55:17 5 Lynette, let's put this on for a telephone status maybe the  
 6 week of September 30th if that works.

7 COURTROOM DEPUTY: Give me one second. I'll check.  
 8 (Pause.)

9 COURTROOM DEPUTY: We should be able to come in on  
 09:55:36 10 that Tuesday, October 1st, at 9:15 by telephone.

11 THE COURT: Okay. Hearing no issues, I'm going to  
 12 move on to the next case but I'll let you sort this out and I  
 13 hope you're able to do so and I'll talk to you again at the  
 14 next status. Okay. Thank you.

10:14:03 15 (Concluded at 10:14 a.m.)

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\* \* \* \* \*

18 I hereby certify that the foregoing is a correct  
 19 transcript, to the extent possible, of the record of  
 20 proceedings in the above-entitled matter given the limitations  
 21 of conducting proceedings via telephone.

22

23 /s/Laura LaCien  
 Laura LaCien, CSR, RMR, CRR  
 24 Official Court Reporter

April 22, 2025  
 DATE

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